

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>Robert Hankins,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 1:12-168</b>
	)	
<b>v.</b>	)	<b>District Judge Terrence F. McVerry</b>
	)	<b>Magistrate Judge Susan Paradise Baxter</b>
<b>Wolf, et al.</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM ORDER**

This case is before the Court on the pending Revised Report and Recommendation filed by Magistrate Judge Susan Paradise Baxter on January 9, 2015 (ECF No. 92).<sup>1</sup> In the Report and Recommendation, Judge Baxter recommended that the motion to dismiss the amended complaint filed on behalf of Defendants Wolf, Sobina, Adams, Wetzel, Smeal, Varner, and Rhodes (ECF No. 39) be denied as to Plaintiff's claims against Wolf but granted in all other respects. Further, Judge Baxter recommended that, pursuant to the authority granted by the Prison Litigation Reform Act, Plaintiff's claims against all remaining Defendants be dismissed for his failure to prosecute.

Plaintiff was served with the Revised Report and Recommendation and granted several extensions for filing objections. Plaintiff has since filed objections. (ECF No. 101). Defendants have not filed a response.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

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1. Judge Baxter issued a Revised Report and Recommendation after the United States Court of Appeals for the Third Circuit decided *Pearson v. Sec'y Dep't of Corr.*, 775 F.3d 598 (3d Cir. 2015). This Court previously stayed this litigation pending the outcome of *Pearson*. To the extent that this Court has not formally lifted the stay, it will do so in this Memorandum Order.

**AND NOW**, this 22<sup>nd</sup> day of April, 2015:

**IT IS HEREBY ORDERED** that the Report and Recommendation is **ADOPTED** as the Opinion of the Court, and Defendants' MOTION TO DISMISS AMENDED COMPLAINT (ECF No. 39) is **GRANTED IN PART and DENIED IN PART**, and the claims against Defendants Sobina, Adams, Wetzel, Smeal, Varner, and Rhodes are **DISMISSED** for the reasons set forth in the Report and Recommendation and the claims against unserved Defendants White, Hilinski, Johnson, Kuhn, Meure, Giroux, and unnamed Defendants "John/Jane Doe (mailroom supervisor)," "John/Jane Doe(s) (mailroom staff)," John Doe(s) (L-5 officials & staff)," "John Does (transport officers)," and "John Doe (Lt. at the facility where Plaintiff was hog-tied) are **DISMISSED** for failure to prosecute.

**IT IS FURTHER ORDERED** that the caption in this matter is hereby **AMENDED** as follows:

<b>Robert Hankins,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 1:12-168</b>
	)	
<b>v.</b>	)	
	)	
<b>C/O Wolf,</b>	)	
	)	
<b>Defendant.</b>	)	

**IT IS FURTHER ORDERED** that the stay entered by Order of Court on November 26, 2014 is hereby **LIFTED**.

By the Court:

s/ Terrence F. McVerry  
Senior United States District Judge

cc: ROBERT HANKINS  
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